



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

File number: KSC-CC-2026-32

Before: **The Specialist Chamber of the Constitutional Court**

Judge Vidar Stensland, Presiding

Judge Roumen Nenkov

Judge Piotr Hofmański

Registrar: Fidelma Donlon

Date: 5 June 2026

Language: English

File name: Referral to the Constitutional Court Panel concerning the violation of Mr Pjetër Shala's fundamental rights guaranteed by Articles 30, 31 and 33 of the Kosovo Constitution, Articles 6 and 7 of the ECHR and Articles 14, 15, and 26 of the ICCPR

Classification: **Public**

Decision on the Working Language and Further Proceedings

Applicant

Pjetër Shala

Specialist Prosecutor

Kimberly P. West

I. PROCEDURAL BACKGROUND

1. On 24 March 2026, Mr Pjetër Shala (“Applicant”) filed a request to the Specialist Chamber of the Constitutional Court (“Chamber”), seeking an extension of the time limit to lodge a referral before the Chamber.¹
2. On 25 March 2026, the President of the Specialist Chambers (“SC”) assigned the above Panel pursuant to Article 33(3) of the Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”).²
3. On 31 March 2026, the Chamber extended the time limit for the Applicant to make his referral to 1 June 2026.³
4. On 1 June 2026, the Applicant made a referral to the Chamber under Article 113(7) of the Constitution of the Republic of Kosovo (“Constitution”) and Article 49(3) of the Law, alleging a violation of his fundamental rights guaranteed by Articles 30, 31, and 33 of the Constitution, Articles 6 and 7 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as Articles 14, 15, and 26 of the International Covenant on Civil and Political Rights (“Referral”).⁴ The Applicant is represented by Mr Jean-Louis Gillisen and Mr Hédi Aouini.
5. On 4 June 2026, the Specialist Prosecutor’s Office (“SPO”) sought leave to make submissions on the admissibility and merits of the Referral (“SPO Request”).⁵ The SPO claims that, since the Referral arises from prior proceedings in the *Specialist Prosecutor v. Pjetër Shala* case, the SPO has a direct interest in the characterisation and legitimacy

¹ KSC-CC-2026-32, F00001, Defence request for an extension of time to file a referral to the Constitutional Court, public, 24 March 2026.

² KSC-CC-2026-32, F00002/COR, Corrected version of decision to assign judges to a Constitutional Court Panel, public, 30 March 2026 (the original filed on 25 March 2026).

³ KSC-CC-2026-32, F00003, Decision on Pjetër Shala’s request for an extension of time to file a referral to the Constitutional Court, public, 31 March 2026.

⁴ KSC-CC-2026-32, F00004, Referral to the Constitutional Court Panel concerning the violation of Mr Shala’s fundamental rights guaranteed by Articles 30, 31 and 33 of the Kosovo Constitution, Articles 6 and 7 of the ECHR and Articles 14, 15, and 26 of the ICCPR, confidential, 1 June 2026.

⁵ KSC-CC-2026-32, F00005, Prosecution request for authorisation to make submissions in relation to referral KSC-CC-2026-32/F00004, confidential, 4 June 2026.

of the alleged violations, and is directly impacted by the subject matter of the Referral.⁶ The SPO likewise contends that, in the circumstances, SPO submissions concerning the admissibility and merits of the Referral would assist the Chamber in the proper determination of the complaints.⁷ Should leave be granted, the SPO requests that, in light of the scope and importance of the issues raised in the Referral, it be allowed to respond thereto until 10 July 2026.⁸

II. CHAMBER'S ASSESSMENT

6. At the outset, the Chamber recalls that, under Article 20 of the Law and Rule 5(1) of the Rules of Procedure for the Specialist Chamber of the Constitutional Court ("SCCC Rules"), the Chamber shall decide the working languages for its proceedings. In this regard, the Chamber observes that the Applicant made the referral in English. Thus, the working language of the present proceedings shall be English, with official translation or interpretation to be provided by the Registry into the two other official languages of the SC, namely Albanian and Serbian.

7. Turning to the SPO Request, the Chamber observes that, pursuant to Rule 15(2) of the SCCC Rules, it may request additional information or submissions, as deemed necessary, in relation to the Referral. Having duly considered the SPO Request, the Chamber finds it appropriate, in the instant case, to receive responding submissions from the SPO in relation to the admissibility and/or merits of the Referral, as well as submissions from the Applicant in reply thereto, should he wish to do so.⁹

8. Pursuant to Rule 15(3) of the SCCC Rules, any responding submissions directed by the Chamber shall be filed within the time limits set by it. The Chamber notes that the SPO requests to be allowed to respond to the Referral until 10 July 2026.¹⁰ In this

⁶ SPO Request, para. 2.

⁷ SPO Request, para. 2.

⁸ SPO Request, para. 3.

⁹ See also KSC-CC-2024-27, F00007, Decision on the working language and further proceedings, public, 17 October 2024, para. 8.

¹⁰ SPO Request, para. 3.

regard, the Chamber recalls that constitutional proceedings are primarily concerned with the assessment of alleged violations of individual rights, rather than a review of the findings of the criminal chambers in terms of facts or law.¹¹ Furthermore, the Chamber is of the view that the SPO, as the prosecuting authority in the case against the Applicant, which it has pursued throughout all stages of the criminal proceedings before the SC, is well acquainted with the matters underlying the complaints raised in the Referral. Accordingly, the Chamber considers a three (3)-week time limit sufficient for the preparation of the SPO's responding submissions, and decides that the SPO and the Applicant may file their submissions within the time limit specified below.

9. Lastly, the Chamber observes that the Referral was filed as confidential and that the SPO Request was also filed bearing the same classification.¹² In this regard, the Chamber recalls the special importance of the principle of publicity in constitutional proceedings, which entails that the Chamber's records should, as a general rule, be public, unless confidentiality is necessary to protect countervailing interests, such as privacy, safety, confidential investigation materials, or the proper administration of justice.¹³ Therefore, and also having regard to Rule 82(5) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers, which is applicable *mutatis mutandis* to the classification of the record of proceedings and evidence before the Chamber by virtue of Rule 11(4) of the SCCC Rules, the Chamber instructs the Applicant and the SPO either to submit a public redacted version of the Referral and the SPO Request, respectively, or request their reclassification as public, as the case may be, within the time limit specified below. The Chamber likewise directs the Applicant and the SPO to submit any future filings publicly or, where confidential treatment is warranted, to simultaneously file a public redacted version.

¹¹ See, for example, KSC-CC-2025-31, Decision on the referral of Hashim Thaçi to the Constitutional Court Panel concerning fundamental rights, public, 5 February 2026, para. 44, with further references to case law.

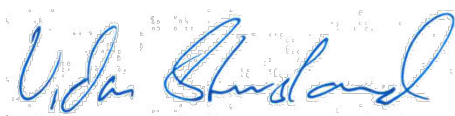
¹² See above, footnotes 4 and 5.

¹³ KSC-CC-2019-07, F00013, Decision on the referral of Driton Lajci concerning interview procedure by the Specialist Prosecutor's Office, public, 13 January 2020, paras 32-33.

FOR THESE REASONS,

The Specialist Chamber of the Constitutional Court

1. *Decides* that the working language of the present proceedings shall be English, with official translation or interpretation provided by the Registry into the two other official languages of the SC, namely Albanian and Serbian;
2. *Grants*, in part, the SPO Request;
3. *Decides* that the SPO may file responding submissions in relation to the Referral, which shall not exceed 15 pages, by 26 June 2026;
4. *Decides* that the Applicant, should he wish to do so, may file a reply to the SPO's submissions, which shall not exceed 10 pages, by 10 July 2026;
5. *Instructs* the Applicant and the SPO either to submit a public redacted version of the Referral and the SPO Request, respectively, or request their reclassification as public, as the case may be, by no later than 9 June 2026; and
6. *Directs* the Applicant and the SPO to submit any future filings publicly or, where confidentiality is warranted, to simultaneously file a public redacted version.



Judge Vidar Stensland
Presiding Judge

Done in English on Friday, 5 June 2026

At The Hague, the Netherlands